

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/295,935 Confirmation No.: 7765
Applicant : Polly Stecyk, Edwin Jou, and Shawn Graham
Filing Date : 04/21/1999
Title : V-CHIP HOURS
Group Art Unit : 2623
Examiner : Annan Q. Shang
Docket No. : 705397.15
Customer No. : 34313

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND AMENDED APPEAL BRIEF

Sir/Madam:

Applicants submit this Second Amended Appeal Brief in response to Examiner's communication, dated June 19, 2009, asserting that Claim 25 had not been mapped to the specification in accordance with 37 C.F.R. § 41.37.

On June 30, 2009, Applicants' representative spoke with Examiner seeking clarification of the purported non-conforming portions of Applicants' First Amended Appeal Brief, filed January 21, 2009. Applicants' representative was advised that Claim 25 was not mapped to the specification due to a lack of citations. Additional citations have now been inserted to the respective portion of Applicants' Appeal Brief—the appeal brief itself otherwise remains unchanged. Accordingly, Applicants request that

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

this Second Amended Appeal Brief should be entered and forwarded to the Board of Patent Appeals and Interferences for consideration in the pending appeal. Please acknowledge receipt and entry of same.

For clarification purposes, Applicants submit that the record the Board is to consider comprises the following documents: (1) Second Amended Appeal Brief, filed herewith; (2) Examiner's Answer to Appeal Brief, filed April 14, 2009; and (3) Applicants' Reply Brief, filed June 10, 2009.

The undersigned authorizes a charge to Deposit Account No. **15-0665** in the amount of \$540.00 for the filing of this Appeal Brief (pursuant to 37 C.F.R. §41.20(b)(2)) in the above-identified matter. The undersigned also authorizes any additional fees that may be required, or credit any overpayment, to Deposit Account No. **15-0665**.

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

I. REAL PARTY IN INTEREST

The real party in interest is MITSUBISHI DIGITAL ELECTRONICS AMERICA, INC., a corporation organized and existing under and by virtue of the laws of the STATE OF DELAWARE and having its principal place of business at 9351 JERONIMO ROAD, IRVINE, CALIFORNIA 92618.

37 C.F.R. § 41.37 (c)(1)(i).

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

II. RELATED APPEALS AND INTERFERENCES

Applicants are not aware of any prior or pending appeals, interferences, or judicial proceedings that are related to, directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

37 C.F.R. § 41.37 (c)(1)(ii).

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

III. STATUS OF CLAIMS

At the time of the Notice of Appeal, Claims 1-46 were pending in the application and were finally rejected.

Applicants appeal the final rejection of Claims 1-46.

37 C.F.R. § 41.37 (c)(1)(iii).

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

IV. STATUS OF AMENDMENTS

Applicants have not filed any amendments subsequent to final rejection.

37 C.F.R. § 41.37 (c)(1)(iv).

V. SUMMARY OF CLAIMED SUBJECT MATTER

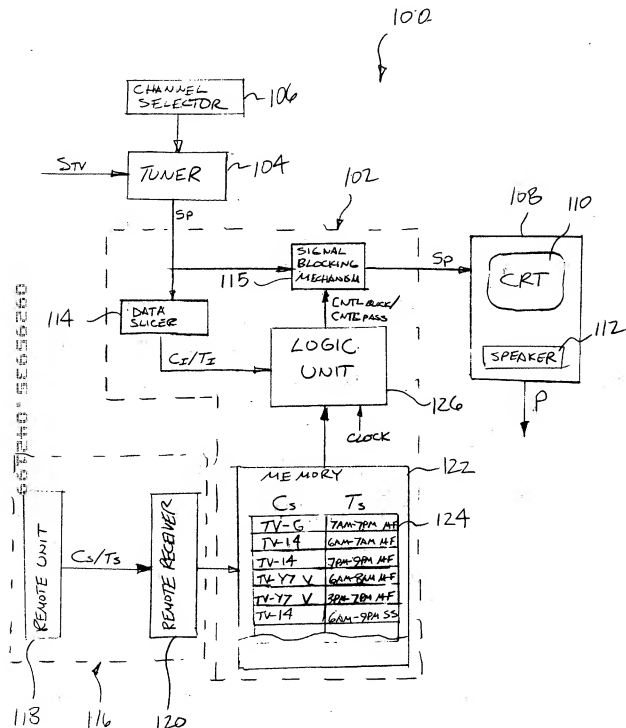
Applicants appeal the rejection of claims 1-46, of which 1, 13, 19, and 25 are independent claims. The following illustrates first how claim 1 relates to the drawings and the specification. Additional discussion specific to claims 13, 19, and 25 follows.

The application and claims are directed to solving the problem where a parent or more mature individual, while watching TV during a time period that children or less mature individuals would normally not be accessing the TV, disables the parental control or V-chip protection to watch a particular broadcast program that is prevented by the V-chip content or rating settings, and then forgets to re-enable the V-chip protection giving a child or less mature individuals access to broadcast content that the parent has chosen to prevent the child from gaining access to by initially enabling the V-chip protection. Applicants' innovation prevents the occurrence of such a mishap by allowing the parent to select time periods during which the V-chip content protection would be enabled and the level of content protection to be imposed during these V-chip protection periods and, thus, allowing for periods during which the V-chip content protection would not be enabled and viewing can freely take place.

Claim 1

Independent claim 1 recites a method of supervising personal exposure to a consumer electronics device having a V-chip. Claim 1 may be understood with reference to one embodiment of an exemplary electronics device, a visual output device

(108) of Figure 3 of the present application—reproduced below for the Board's convenience.



Claim 1 recites receiving a program signal (S_w) suitable for conversion by the consumer electronics device (100) into user discernible information (S_r) (104, 114, 126; pp. 6:15 – 7:16). And, further, receiving a content-based indicator (C_i) indicative of the content of the user discernible information and timing information (T_i) indicative of a reference time (104, 114, 126; p. 7: 17-27).

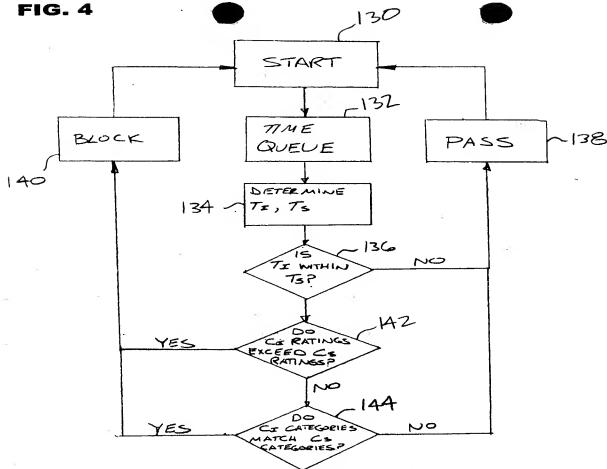
Claim 1 further recites selecting a first content-based specification (C_s) and a first finite time range specification (T_s) associated with the first content-based specification, wherein the first finite time range specification is less than twenty-four hours in duration (116, 122, 126; pp. 7:28-8:8) and selecting a second content-based specification different from the first content-based specification and a second finite time range specification associated with the second content-based specification, wherein the second finite time range specification is less than twenty-four hours in duration and encompassing a different time range than first finite time range specification. (*See, e.g.,* Figs. 4, and 7-12).

Claim 1 also recites comparing the reference time (T_i) with the first and second finite time range specifications (T_{s1} and T_{s2}) and allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range specifications.

Lastly, claim 1 recites comparing the received content-based indicator (C_i) with the first content-based specification (C_{S1}) when the reference time falls within the first finite time range specification (T_{S1}) and with the second content-based specification (C_{S2}) when the reference time falls within the second finite time range specification (T_{S2} ; 126; p. 8:19-28) and impairing the program signal (115) if the received content-based indicator exceeds the first content-based specification associated with the first finite time range specification when the reference time falls within the first finite time range specification or exceeds the second content-based specification associated with the second finite time range specification when the reference time falls within the second finite time range specification. (115; p. 8:9-18).

Claim 1 may also be more clearly understood with reference to the processing steps of **Figure 4** of the present application—reproduced below for the Board's convenience.

FIG. 4



Claims 2-12, 17-18, and 32-33 depend directly or indirectly from claim 1, and further comprise additional steps that one may perform in carrying out the disclosed invention. (Fig. 4; pp. 8:29-10:17).

Claim 13

Independent claim 13 recites a method of supervising the exposure to a consumer electronics device having a V-chip. Claim 13 may be understood with reference to one embodiment of an exemplary electronics device, a visual output device

(108) of **Figure 3** of the present application—reproduced above for the Board's convenience (p. 8).

Claim 13 recites receiving a program signal (S_{iv}) suitable for conversion by the consumer electronics device (100) into user discernible information (S_e) (104, 114, 126; pp. 6:15 – 7:16). And, further, receiving a content-based rating (C_i) indicative of the content of the user discernible information and further receiving a timing signal (T_i) indicative of a reference time (104, 114, 126; p. 7: 17-27).

Claim 13 further recites selecting one or more finite time range specifications (T_{s1} - T_{sn}) corresponding to a twenty-four hour period wherein each of the one or more finite time range specifications is less than twenty-four hours in duration (116, 122, 126; pp. 7:28-8:8) and encompass a different time range from other finite time range specifications. (See, e.g., Figs. 4, and 7-12). And, further, selecting a content-based rating specification (C_s) for each of the one or more finite time range specifications (T_s), wherein the content based rating specifications associated with the one or more finite time range specifications include one or more content-based rating specifications.

Claim 13 also recites comparing the reference time (T_i) with one or more finite time range specifications (T_{s1} - T_{sn}) and allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside each of the one or more finite time range specifications.

Lastly, claim 13 recites comparing the received content-based rating (C_i) when the reference time falls within the one or more finite time range specifications with the content-based specification (C_{s2}) associated with the one of the one or more finite time range specifications (T_{s2} ; 126; p. 8:19-28) and impairing the program signal (115) if the received content-based rating exceeds the content-based rating associated with the one of the one or more finite time range specifications. (115; p. 8:9-18).

Claim 13 may also be more clearly understood with reference to the processing steps of **Figure 4** of the present application—reproduced above for the Board's convenience. (p. 11).

Claims 14-16 and 37-41 depend directly or indirectly from claim 13, and further comprise additional steps that one may perform in carrying out the disclosed invention. (Fig. 4; pp. 8:29-10:17).

Claim 19

Claim 19 recites a recordable medium for a consumer electronics device having a V-chip. The recordable medium of independent claim 19 embodies the process steps of claims 1-18 and, accordingly, are equally summarized by reference to the summary in relation to same.

More specifically, claim 19 recites a computer program that carries out a method of supervising personal exposure to a consumer electronics device having a V-chip. The computer program of claim 19 is best understood with reference to the methods

identified and separately described with respect to claims 1 and 13. *See pp. 7-13, supra.*

For example, claim 19 recites receiving timing information indicative of a reference time and a content-based indicator (C) indicative of the content of the user discernible information into which a program signal received by the consumer electronics device is converted.

Claim 19 further recites selecting a content-based rating and a finite time range specification associated with the selected content-based specification, wherein the finite time range specification is less than twenty-four hours in duration and comparing the finite time range specification with the reference time. And further, disabling the V-chip without user input if the reference time is outside the finite time range specification, comparing the selected content-based specification with the received content-based indicator when the reference time falls within the finite time range specification, and generating a control signal based on the comparison between the selected-content-based specification associated with the finite time range specification and the received content-based indicator.

Claims 20-24 and 45 depend directly or indirectly from claim 19, and further comprise additional elements that may comprise an embodiment of the disclosed invention.

Claim 25

Claim 25 recites a consumer electronics device having a V-chip for supervising personal exposure to user discernible information. (104, 114, 126; pp. 6:15 – 7:16). Claim 25 may also be understood with reference to the exemplary electronics device, a visual output device (108) of **Figure 3** of the present application.

Claim 25 recites non-volatile memory (122) configured to store one or more finite time range specifications (124; T_{s1} , T_{s2} , T_{s3} , . . . T_{sn}) and one or more content-based specifications (124; C_{s1} , C_{s2} , C_{s3} , . . . C_{sn}) wherein each of the one or more finite time range specifications is less than twenty-four hours in duration and has a content-based specification of the one or more content-based specifications associated therewith. (116, 122; pp. 7:28-8:8).

Claim 25 further recites a logic unit (126) coupled to the non-volatile memory (122) and being configured to compare a received reference time (T_i) with the one or more finite time range specifications (124; T_{s1} , T_{s2} , T_{s3} , . . . T_{sn}) and to disable the V-chip without user input if the reference time is outside the one or more finite time range specifications, and to compare a received content-based indicator (C_i) with a content-based specification of the one or more content-based specifications (124; C_{s1} , C_{s2} , C_{s3} , . . . C_{sn}) associated with a finite time range specification when the reference time falls within a finite time range specification of the one or more finite time range specifications. (Fig. 3, 122, 124, 126) Claim 25 also recites that the logic unit (126) be further configured to selectively generate one of a first and a second control signals in

response to the comparison between the content-based indicator and the content-based specification associated with the finite time range specification.

Lastly, claim 25 recites a signal impairment mechanism (115) coupled to the logic unit (126) and configured for, based on the control signals (CTRL_{block}/CTRL_{pass}), selectively passing a received program signal therethrough without substantial impairment or impairing the program signal.

Claims 26-31, 34-36, 42-44, and 46 depend, directly or indirectly, from claim 25 and further comprise elements of the disclosed invention. (Fig. 3; pp. 8:29-10:17).

37 C.F.R. § 41.37 (c)(1)(v).

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-46 are unpatentable under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,969,748 to Casement, *et al.* (“Casement”).

37 C.F.R. § 41.37 (c)(1)(vi).

VII. ARGUMENT UNDER 37 C.F.R. §41.37 (c)(1)(vii)

A. Claims 1-46 Are Patentable Over Casement.

The Examiner has rejected claims 1-46 under 35 U.S.C. §102(e) as anticipated by Casement. Claims 1-46 are not anticipated by Casement. Contrary to the Examiner's assertion, Casement does not describe, teach or suggest the combined or simultaneous use of both time and content locks to block program viewing and, more importantly, does not describe, teach or suggest the use of time based content locks as claimed in claims 1-46. Rather, Casement teaches blocking all program viewing during specified time periods regardless of content or, separately, blocking program viewing based on content regardless of time. Even if Casement could be considered to teach or suggest the combined use of time and content locks, there is no teaching or suggestion in Casement of a time period in which the broadcast signal is viewed without comparison to a specified content rating if the reference time falls outside the specified time period as claimed in claims 1-46.

1. Independent Claims 1, 13, 19, and 25

a. Casement Fails to Anticipate Claims 1, 13, 19, and 25 in light of Federal Circuit Precedent

A recent Federal Circuit decision makes clear that Casement cannot anticipate Claims 1, 13, 19, and 25 as a matter of law. *See Net Moneyin, Inc. v. Verisign, Inc.*, Slip Op. 2007-1565 (Fed. Cir. October 20, 2008). In order to anticipate a claim, a 102 prior art

reference is expected to provide a description sufficient to inform a person of ordinary skill in the art of some subject matter falling within the scope of the claim. Specifically, in *Net Moneyin*, the Court reversed a district court's determination that a patent-in-suit was invalid as anticipated under 35 U.S.C. § 102(a). There, the Federal Circuit held that "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also *all of the limitations arranged or combined in the same way* as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net Moneyin* at 17-18 (emphasis added). "A prior art disclosure that '*almost*' meets that standard . . . does not '*anticipate*.'" *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Here, and as further explained below, the four corners of Casement fails to disclose, at least the following with respect to independent claim 1: (1) allowing user review of user discernible information *without user input* and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range specifications; (2) comparing the received content-based indicator with the first content-based specification when the reference time falls within the first finite time range specification and with the second content-based specification when the reference time falls within the second finite time range specification; and (3) impairing the program signal if the received content-based

indicator exceeds the first content-based specification associated with the first finite time range specification when the reference time falls within the first finite time range specification or exceeds the second content-based specification associated with the second finite time range specification when the reference time falls within the second finite time range specification.

- b. The Examiner's Interpretation of Casement is Overbroad and Unsupported by its Specification.

In the final office action, the Examiner incorrectly asserts that Casement:

compare[es] (RL 16-22 which inherently includes a Microprocessor 'MC', fig.3-4, co1.4, line 25-co1.5, line 17 and co1.6, line 30-co1.7, line 1 +) the reference time with the first finite time range; allowing user review of the user discernible information without comparison of the received content-based indicator with a content based specification if the reference time is outside the first and second finite time range specifications;

compare[es] (MC) the received content based indicator with the first content-based specification when the reference time falls within the first finite time range specification and with the second content-based specification when the reference time falls within the second finite time range specification;

and impair[s] (MC) the program signal if the received content-based indicator exceeds the content-based specification associated with the first time range specification when the reference time falls within the first time range specification (fig.3-4, co1.3, lines 33-43, co1.4, line 25-co1.5, line 17 and co1.6, line 30-co1.7, line 1 +).

See Final Office Action dated February 7, 2008 ("FOA"). These statements are inconsistent with the explicit teaching of Casement and are otherwise unsupported.

Figure 4 and column 6, line 30-column 7, line 20 of Casement, which illustrate and describe the operation of Casement's parental control feature, are reproduced below:

FIG. 4 illustrates a process flow chart for the operation of the parental control feature. When a user turns on the TV, or tunes to a program or channel, the system checks at step 150 whether a parental password is needed before the program(s) will be shown. If a parental password exists, a step 152 of the system checks whether a BOX lock has been set. **A BOX lock is essentially a special TIME lock as it keeps the TV locked for 24 hours a day, every day.** If a BOX lock exists, a step 154 displays a pop-up informing the viewer that a password is necessary before the viewer may watch TV, and a step 172 requests that the user enters the parental password. When the user supplies the correct password, the user may tune to the program, schedule an auto-tune, or schedule a recording of the program at step 168.

If a BOX lock has not been set, the system checks for channel locks at step 156. If none exists, a step 158 checks for a TIME lock. **If a TIME lock exists, a step 170 checks whether the current time is within the range of the restricted times. The user is asked to supply the parental password at step 172 if the user is trying to watch TV at a restricted time.** Similarly, if a channel lock exists, and the user is trying to tune to a locked channel, the user would be asked to supply the password at step 172. **If the user is watching TV at an unrestricted time, the user may proceed to step 168 and may tune to the program, record the program and the like.**

If no TIME lock has been set, a step 160 checks for a rating/MPAA lock, as the ratings correspond to those set by Motion Pictures of America Association. If a rating lock has been set, a step 164 determines whether the program has a restricted rating. If so, the user is asked to supply the parental password at step 172. On the other hand, if there is no rating lock, a step 162 checks for a content/ATTRIBUTE lock. The system checks at step 166 whether the program contains restricted content, and if so, the user is asked to supply the parental password at step 172. A step 176 further checks whether the program has a V-chip classification if the program does not contain restricted content. If so, a step 178 (details shown in FIG. 7) determines whether the user is trying to gain access to a program with restricted V-chip classifications.

Col. 6, line 48 – Col. 7, line 20.

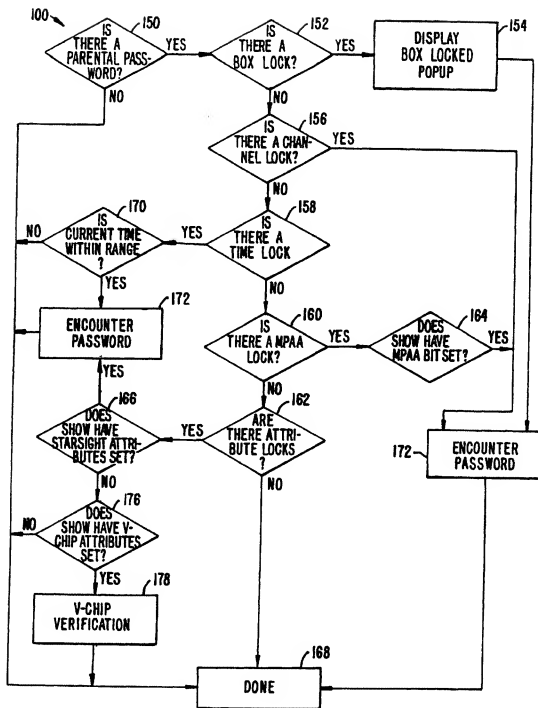


FIG. 4.

A review of Fig. 4 and Col. 6 of Casement makes clear that Casement in *no way teaches or describes the combined or simultaneous use of both time and content locks* as the Examiner asserts. As clearly shown in Fig. 4 and explained in Col. 6, Casement's parental control feature first checks whether there is a parental password (150), i.e., whether the parental control feature is on, and, if not, displays the broadcasted signal without any further checks or comparisons (168). If there is a parental password, it then checks to see if there is a "box lock" (152), i.e., a complete block of any program viewing regardless of time or content, and, if there is, it displays a "box locked" pop up (154) and then requires a password (172) to view the TV at all. As Casement explains, the "box lock" is a 24 hour time lock which prevents viewing of the TV at anytime throughout the day without entry of a password. If there is no "box lock," it then checks for a "channel lock" (156) and if a channel lock is present it then requires a password (172) to view the selected channel. If no channel lock is present, it then checks for a "time lock" (158) and if a time lock is present it checks to see if the current time is within the specified time range (170). If it is not, the broadcast signal is displayed (168). If the current time is within the specified time range, then a password (172) is required to view any TV. Operation of Casement time lock feature is illustrated as Casement A in Chart A provided below.

If the time lock is on, there is no comparison of a content indicator, i.e., a program rating, with a content specification. As is clear from a review of Fig. 4, the time lock is

completely separate from any content screening or comparison. With Casement, the user either blocks program viewing by time *or* blocks it by content, but as clearly indicated in Fig. 4 with regard to blocks 158, 170, 160 and 162 and the description of Fig. 4 in Columns 6 and 7, Casement in *no way describes the combined or simultaneous use of both time and content locks*. The flow chart in Fig. 4 does not flow, i.e., there is no line extending from block 170 to block 160 or 162 (content locks) if the current time is within the specified time range nor is there any description in Casement to the contrary. **If and only if** the time lock is not present or is not turned on does the flow chart in Fig. 4 move on to see if there is a content lock present – either an MPAA lock (160) or an attributes lock (162).

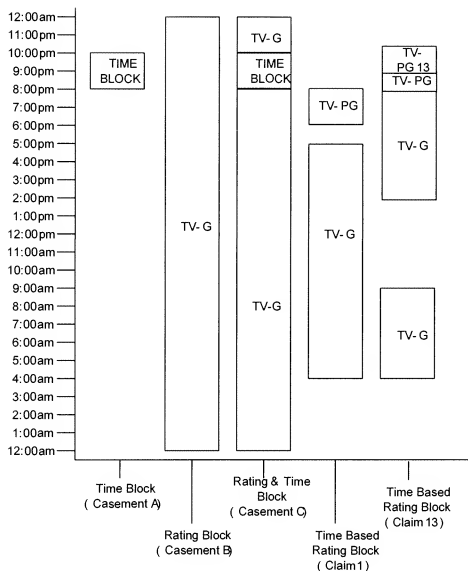


Chart A

Casement's content control operation is illustrated as Casement B in Chart A. As indicated, Casement's content control, if activated, is active for all time periods—continuous for twenty-four hours. There are no periods during which the content control is auto-disabled or deactivated only to be later auto-reactivated. Thus, Casement does not combine the comparison of time and content, and thus does not meet the noted

limitation of claim 1-12 or similar limitations in independent Claims 13, 19 and 25 and therefore, cannot anticipate these claims.

- c. Even If Casement Could Be Considered To Teach Or Suggest The Combined Use Of Time And Content Locks, There Is No Teaching Or Suggestion In Casement Of A Time Period In Which The Broadcast Signal Is Viewed Without Comparison To A Specified Content Rating If The Reference Time Falls Outside The Specified Time Period

The Examiner states that by teaching the selection of a finite time range, e.g., 8:00 P.M.-10:00 P.M., Casement inherently teaches the selection of the finite time range extending 22 hours from 10:00 P.M. to 8:00 P.M. See FOA p. 2. The Examiner further states that Casement "compares the selected content based specification (user defining rating) with received content-based indicator (Rating of the EPG or Program schedule) to impair the program signal if the rating exceeds the content specification when reference time falls within *the first finite time range specification*." Since Casement *only* teaches the explicit selection of a finite time range for its time lock function, where all viewing is blocked for the selected period of time, if the user selects 8 P.M. to 10 P.M. as the period of time for operation of the time lock function, the Examiner's reference to the "first finite time range specification" during which a content-based indicator is compared to a content-based specification must be referring to the inherently selected time range of 10 P.M. to 8 P.M. As such, the Examiner's assertion that Casement "compares the reference time with one of the finite time ranges [i.e., 10 P.M. to 8 P.M.]

and when the reference time falls outside one of the finite time range [i.e., 8 P.M. to 10 P.M.], the user is allow[ed] to view the TV program without user input" is incorrect as all viewing would be blocked during the 8 P.M. to 10 P.M. time period, the period for the time lock function, unless the user were to input a passcode.

As indicated above, Casement's Fig. 4 and description thereof does not describe or suggest combining the comparison of time and content such that if the current time is within a specified time range it would check to see if the indicated content exceeded a content specification for that specified time range, it simply blocks all TV for the specified time period (Casement A). Casement simply does not teach or suggest specifying or selecting a content specification for a specified or selected time range. Casement's parental control feature only enables the separate time and content control features as depicted by Casement A and Casement B in Chart A above.

However, even if it could be argued that Casement teaches or suggests the use of time and content blocking together, it does so **only** to the extent depicted by Casement C in Chart A, wherein if the reference time falls within the specified time period, **all** TV viewing is blocked for the specified time period as indicated by the "Time Block" designation. If the reference time falls outside the specified time period, TV viewing is blocked if the indicated rating of the content exceeds the specified content rating as indicated by the "TV-G" designation in Casement C. Thus, there is **no time period** in which the broadcast signal as converted to user discernible content is viewed without

either the user input of a passcode or the comparison to a specified content rating if the reference time falls outside the specified time period. Moreover, Casement does not and can not teach, describe or suggest

allowing user review of user discernible information without user input if the reference time is outside the first finite time range specification;

comparing the selected content-based specification with the received content-based indicator when the reference time falls within the first finite time range specification; and

impairing the program signal if the received content-based indicator exceeds the content-based specification associated with the first finite time range specification when the reference time falls within the first finite time range specification.

as claimed in claim 1 or

allowing user review of user discernible information **without user input and without comparison of the content base indicator to a content based specification** if the reference time is outside the one or more finite time range specifications;

comparing the received content-based rating when the reference time falls within one of the one or more finite time range specifications with the content-based specification associated with the one of the one or more finite time range specifications; and

impairing the program signal if the received content-based rating exceeds the content-based rating associated with the one of the one or more finite time range specifications.

as claimed in claim 13.

The difference between what claims 1 and 13 claim and what is taught, described or suggested by Casement clearly illustrated in Chart A. As depicted in Chart A in

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

regard to claim 1, if the reference time is outside the specified finite time ranges of 4 a.m. to 5 p.m. or 6 p.m. to 8 p.m., there is no comparison to a specified content rating for blocking of TV viewing and TV viewing is enabled without input from user. If, however, the reference time falls within the specified finite time ranges of 4 a.m. to 5 p.m. or 6 p.m. to 8 p.m., there is comparison to the specified content ratings, i.e., TV-G or TV-PG, and blocking of TV viewing if the indicated content rating of the broadcast signal exceeds the specified content rating.

Similarly in regard to claim 13, if the reference time is outside the one or more specified finite time ranges of 4 a.m. to 9 a.m., 2 p.m. to 8 p.m., 8 p.m. to 9 p.m., and 9 p.m. to 10:30 p.m. there is no comparison to a specified content rating for blocking of TV viewing and viewing proceeds unimpaird. If, however, the reference time falls within one of the one or more specified finite time ranges, there is comparison to a specified content rating associated with the specified finite time range, i.e., TV-G for 4 a.m. to 9 a.m. and 2 p.m. to 8 p.m., TV-PG for 8 p.m. to 9 p.m., and TV-PG13 for 9 p.m. to 10:30 p.m., and blocking of TV viewing if the indicated content rating of the broadcast signal exceeds the specified content rating. As illustrated (and claimed), more than one rating can be associated with the specified finite time ranges.

Furthermore, since Casement, if interpreted as the Examiner asserts, would either block all viewing when the reference time falls within the finite time range specification or blocks viewing of a program if its content exceeds a content based

specification when the reference time is outside the finite time range specification, or vice versa, Casement does not teach disablement of a V-Chip or parental control system when the reference time falls outside the finite time range specification as claimed in claims 1, 13, 19 and 25.

Accordingly, evidentiary support cannot be found in Casement without significant imagination that would be beyond a skilled artisan's ordinary creativity, common sense, and logic, therefore, Applicants respectfully submit that the Examiner improperly rejected claims 1, 13, 19 and 25 under Casement.

2. Dependent Claims 2-12, 14-18, 20-24, and 26-46

Since independent claims 1, 13, 19, and 25 are patentable for the reasons discussed above, and claims 2-12, 14-18, 20-24, and 26-46 depend from and carry all the limitations of independent 1, 13, 19, and 25, claims 2-12, 14-18, 20-24, and 26-46 are patentable under 35 U.S.C. § 102(e) over Casement.

Applicant : Stecyk, et al.
Appl. No. : 09/295,935
Examiner : Shang, Annan Q.
Docket No. : 705397.15

VIII. CONCLUSION

Applicants have demonstrated that the final rejection of claims 1-46 is improper and that claims 1-46 should be allowed. Applicants request that the Final Office Action of February 7, 2008 be reversed and the present application be allowed.

The Commissioner is authorized to charge any fee which may be required in connection with this Appeal Brief to deposit account No. 15-0665.

Respectfully submitted,
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Dated: July 7, 2009

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Claims Appendix

1. A method of supervising personal exposure to a consumer electronics device having a V-chip, the method comprising:

receiving a program signal suitable for conversion by the consumer electronics device into user discernible information;

receiving a content-based indicator indicative of the content of the user discernible information and timing information indicative of a reference time;

selecting a first content-based specification and a first finite time range specification associated with the first content-based specification, wherein the first finite time range specification is less than twenty-four hours in duration;

selecting a second content-based specification different from the first content-based specification and a second finite time range specification associated with the second content-based specification, wherein the second finite time range specification is less than twenty-four hours in duration and encompassing a different time range than first finite time range specification;

comparing the reference time with the first and second finite time range specifications;

allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time

range specifications;

comparing the received content-based indicator with the first content-based specification when the reference time falls within the first finite time range specification and with the second content-based specification when the reference time falls within the second finite time range specification; and

impairing the program signal if the received content-based indicator exceeds the first content-based specification associated with the first finite time range specification when the reference time falls within the first finite time range specification or exceeds the second content-based specification associated with the second finite time range specification when the reference time falls within the second finite time range specification.

2. The method of claim 1, wherein the content-based indicator is carried by the program signal.

3. The method of claim 1, wherein the content-based indicator and the timing information are carried by the program signal.

4. The method of claim 1, wherein the timing information is generated within the consumer electronics device.

5. The method of claim 1, wherein the reference time indicated by the timing information is the current time.

6. The method of claim 1, wherein each of the received content-based indicator and the selected content-based specification is a rating.

7. The method of claim 6, further comprising generating a block control signal if the received rating exceeds the selected rating.

8. The method of claim 1, wherein each of the received content-based indicator and the selected content-based specification is a subject matter category.

9. The method of claim 8 further comprising generating a block control signal if the received content-based indicator subject matter category matches the selected subject matter category.

10. The method of claim 1, further comprising generating a control signal based on the comparison between the content-based specification and the received content-based indicator, wherein the control signal is a block control signal if the received content-based indicator exceeds the content-based specification, and wherein the program signal is impaired in response to the block control signal.

11. The method of claim 10, wherein the program signal is blocked in response to the block control signal.

12. The method of claim 1, wherein the consumer electronics device is a television system and the user discernible information comprises audio/video information.

13. A method of supervising the exposure to a consumer electronics device having a V-chip, the method comprising:

receiving a program signal suitable for conversion by the consumer electronics device into user discernible information;

receiving a content-based rating indicative of the content of the user discernible information;

receiving a timing signal indicative of a reference time;

selecting one or more finite time range specifications corresponding to a twenty-four hour period, wherein each of the one or more finite time range specifications is less than twenty-four hours in duration and encompass a different time range from other finite time range specifications,

selecting a content-based rating specification for each of the one or more finite time range specifications, wherein a content based rating specification is associated with each of the one or more finite time range specifications, wherein the content based rating specifications associated with the one or more finite time range specifications include one or more content-based rating specifications;

comparing the reference time with the one or more finite time range specifications;

allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside each of the one or more finite time range specifications;

comparing the received content-based rating when the reference time falls within one of the one or more finite time range specifications with the content-based specification associated with the one of the one or more finite time range specifications; and

impairing the program signal if the received content-based rating exceeds the content-based rating associated with the one of the one or more finite time range specifications.

14. The method of claim 13, wherein the program signal is impaired by scrambling the program signal.

15. The method of claim 13, wherein the program signal is impaired by blocking the program signal.

16. The method of claim 13, wherein the one or more selected time range specifications repeats for each day of a workweek.

17. The method of claim 1, further comprising:
selecting a second content-based rating specification and a second finite time range specification, the second finite time range specification associated with the second content-based rating, wherein the second content-based rating is different from the first content-based rating.

18. The method of claim 1, further comprising:

selecting a second finite time range specification associated with the first content-based rating specification, wherein the second finite time range specification is different from the first finite time range specification.

19. A recordable medium for a consumer electronics device having a V-chip comprising:

a computer program comprising steps for:

receiving timing information indicative of a reference time and a content-based indicator indicative of the content of the user discernible information into which a program signal received by the consumer electronics device is converted;

selecting a content-based rating and a finite time range specification associated with the selected content-based specification, wherein the finite time range specification is less than twenty-four hours in duration;

comparing the finite time range specification with the reference time;

disabling the V-chip without user input if the reference time is outside the finite time range specification;

comparing the selected content-based specification with the

received content-based indicator when the reference time falls within the finite time range specification; and

generating a control signal based on the comparison between the selected-content-based specification associated with the finite time range specification and the received content-based indicator.

20. The recordable medium of claim 19, wherein each of the received content-based indicator and the selected content-based specification is a rating.

21. The recordable medium of claim 20, wherein the control signal is generated if the received rating exceeds the selected rating.

22. The recordable medium of claim 19, wherein each of the received content-based indicator and the selected content-based specification is a subject matter category.

23. The recordable medium of claim 22, wherein the control signal is generated if the received subject matter category matches the selected subject matter category.

24. The recordable medium of claim 19, wherein the control signal is generated to impair the program signal.

25. A consumer electronics device having a V-chip for supervising personal exposure to user discernible information, comprising:

a non-volatile memory configured to store one or more finite time range specifications and one or more content-based specifications wherein each of the one or more finite time range specifications is less than twenty-four hours in duration and has a content-based specification of the one or more content-based specifications associated there with;

a logic unit coupled to the non-volatile memory and being configured to compare a received reference time with the one or more finite time range specifications and to disable the V-chip without user input if the reference time is outside the one or more finite time range specifications, and to compare a received content-based indicator with a content-based specification of the one or more content-based specifications associated with a finite time range specification when the reference time falls within a finite time range specification of the one or more finite time range specifications, the logic unit further configured to selectively generate one of a first and a second control signals in response to the comparison between the content-based indicator and the

content-based specification associated with the finite time range specification;
and

a signal impairment mechanism coupled to the logic unit and configured for, based on the control signals, selectively passing a received program signal there through without substantial impairment or impairing the program signal.

26. The consumer electronics device of claim 25, further comprising an output device coupled to the signal impairment mechanism for transforming the program signal into the user discernible information.

27. The consumer electronics device of claim 25, further comprising a data entry system for selectively inputting the one or more content-based specifications and associated finite time range specifications into the non-volatile memory for storage.

28. The consumer electronics device of claim 25, wherein the non-volatile memory includes a look-up list for storing a plurality of content-based specifications and associated finite time range specifications.

29. The consumer electronics device of claim 25, wherein the program

signal carries the content-based indicator and reference time, and further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator and reference time from the program signal.

30. The consumer electronics device of claim 25, wherein the signal impairment device is a switch.

31. The consumer electronics device of claim 25, wherein the output device is a television system audio/video output device.

32. The method of claim 1, wherein the content-based specification and the finite time range specification are selected by a user of the consumer electronics device by inputting the content-based specification and finite time range specification into the consumer electronics device.

33. The method of claim 1, wherein the content-based specification and the finite time range specification are selected by a user of the consumer electronics device by selecting a content-based specification and finite time range specification pre-programmed by the manufacturer of the consumer electronics device.

34. The consumer electronics device of claim 25, wherein the one or more content-based specifications and the one or more finite time range specification are pre-programmed by the manufacturer of the consumer electronics device, and further comprising a data entry system for selecting the pre-programmed content-based specification and finite time range specification.

35. The consumer electronics device of claim 25, wherein the first control signal is generated if the content-based indicator is within an allowable range of indicators defined by the content-based specification and wherein the second control signal is generated if the content-based indicator is outside the allowable range of indicators.

36. The consumer electronics device of claim 35, wherein the first control signal is usable to disable the V-chip.

37. The method of claim 17, wherein allowing user review of user discernible information without comparison of received content-based indicator with a content-based specification further comprises allowing user review of user discernible information without comparison of received content-based

indicator with a content-based specification if the reference time is outside the first and second finite time range specifications.

38. The method of claim 37, further comprising comparing the second selected content-based rating with the received content-based rating when the reference time falls within the second finite time range specification.

39. The method of claim 38, further comprising impairing the program signal if the received content-based rating exceeds the second selected content-based rating.

40. The method of claim 18, wherein allowing user review of user discernible information without comparison of received content-based indicator with a content-based specification further comprises allowing user review of user discernible information without comparison of received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range specifications.

41. The method of claim 40, further comprising comparing the selected content-based rating with the received content-based rating when the reference

time falls within the second finite time range specification.

42. The consumer electronics device of claim 25, wherein the non-volatile memory is further configured to store a first and a second finite time range specification and the logic unit is further configured to compare the received reference time with the second finite time range specification and to disable the V-chip if the reference time is outside the first and second finite time range specifications.

43. The consumer electronics device of claim 42, wherein the second finite time range specification is associated with a first content-based specification.

44. The consumer electronics device of claim 42, wherein the non-volatile memory is further configured to store a second content-based specification associated with the second finite time range specification and the logic unit is further configured to compare the second content-based specification with the content-based indicator and selectively generate one of the first and second control signals in response to the comparison between the content-based indicator and the second content-based specification, wherein the

second content-based specification is different from the first content-based specification.

45. The recordable medium of claim 19, wherein the step of disabling the V-chip includes generating a control signal if the reference time is outside the finite time range specification, wherein the control signal is generated to allow the program signal to pass un-impaired.

46. The recordable medium of claim 25, wherein disabling the V-chip includes the Logic Unit being further configured to generate a control signal if the reference time is outside the finite time range specifications, wherein the control signal is generated to allow the program signal to pass the signal impairment mechanism un-impaired.

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

Evidence Appendix

None.

Applicant	:	Stecyk, et al.
Appl. No.	:	09/295,935
Examiner	:	Shang, Annan Q.
Docket No.	:	705397.15

Related Proceedings Appendix

None.